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Media Release

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Delaware announces settlement to reduce mercury air pollution from cement plants

Wilmington, DE – The Delaware Department of Justice today announced today that it has reached a settlement with the U.S. Environmental Protection Agency (EPA) requiring new limits on the emissions of mercury and other toxic pollutants from cement plants. The EPA's new rules will address mercury and other toxic emissions from Portland cement plants nationwide. Portland cement is the most common type of cement and a basic ingredient of concrete, mortar, stucco and grout. Delaware joined eight other states in today's agreement.

"With today's agreement, the EPA has committed to take appropriate measures to reduce hazardous pollution that harms the environment and poses a risk to health", stated State Solicitor Lawrence Lewis.

In February 2007, a coalition of states including Delaware, Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, and Pennsylvania filed a lawsuit against the EPA for adopting air emission standards for cement plants that did not adequately control mercury and other hazardous air pollutants. The suit, *Portland Cement Association v. EPA*, argued that the EPA had not based emission standards for these plants on state-of-the-art pollution control technology, in violation of the Clean Air Act.

Today's settlement requires EPA to propose new standards for mercury and other hazardous air pollutant emissions from cement plants by March 31, 2009 and to adopt final standards by March 31, 2010 after taking public comment. As required by the Clean Air Act, the Agency must require the maximum available pollution control technology in setting these standards.

Today's settlement will go into effect after the EPA publishes it in the Federal Register and provides an opportunity for notice and comment. Several environmental groups joined the states in today's settlement, including the Friends of Hudson, Earthjustice, the Sierra Club, Desert Citizens Against Pollution, Downwinders At Risk, Huron Environmental Activist League, and Montanans Against Toxic Burning. Portland Cement Association, an industry group, also signed the settlement.

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